

REMARKS

Claims 1-5 and 7-10 now stand in the application, claim 8 having been amended to correct its dependency, and new claims 9-10 added. Applicant notes with appreciation the allowance of claim 4, but respectfully requests reconsideration of the application and allowance of all claims in view of the above amendments and the following remarks.

Regarding the rejection of claim 7 for anticipation by Kobayashi, Kobayashi teaches a common signaling channel on cable 30a, which can be moved to cable 30b if necessary. But claim 7 requires that a single common signaling channel be shared for signals relating to two different accesses, and there is no discussion in Kobayashi about having its common signaling channel shared by two different accesses. Applicants respectfully disagree that the cables 30a and 30b are two different accesses, but in any event there is no discussion in Kobayashi of having the common signaling channel relate to calls on both cables. Accordingly, there is no anticipation.

Regarding the rejection of claims 1-3, 5 and 8 for obviousness over Kobayashi in view of Kato, it is noted that claim 1 calls for the existence of two different common signaling channels. Kobayashi only teaches one. Kobayashi teaches one common signaling channel on cable 30a, and if the load on cable 30a is too high, the common signaling channel will be *moved* from cable 30a to cable 30b. So there are no two common signaling channels which are prioritized and then selected between.

Kato teaches prioritizing plural common signaling channels, but does not teach the common signaling channels on different physical media or as part of different accesses. If one of skill in the art were to combine the teachings of the references, the result might be that the provision of plural signaling channels on cable 30a and the selection amongst them on a priority basis, and moving them to cable 30b if the load on cable 30a is too large, but there is no teaching of having plural signaling channels on different cables and then selecting between them. In fact, this would be clearly contrary to the teaching of Kobayashi where the concern is capacity. In light of the teaching of Kobayashi that if the load on

cable 30a is too high the common signaling channel can be moved to another cable, the last thing one of skill in the art would do is add a second common signaling channel to exacerbate the load concerns.

New claims 9 and 10 are directed to the feature of the invention described at the end of the specification, whereby channels which can serve as information channels of an access are appropriated for use as signaling channels. This is neither shown nor suggested in the applied art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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